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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO. 692 OF 2004

The Commissioner of Income Tax .. Appellant

Versus

Jaisal & Ors. Trust .. Respondent

Mr. A.S. Rao i/by Pankaj Kapoor for Appellant.

Mr. A.K. Jasani for Respondent.

CORAM: F.I. REBELLO &
J.P.DEVADHAR, JJ.
DATED: JULY 31, 2007

P.C.:

. The revenue had filed this appeal and had formulated the following questions :

> "Whether on the facts and in the circumstances of the case and in Law the Hon'ble ITAT was correct in holding that the Assessee should be assessed in the status of "an individual" and not in the status of "association of persons" and consequently the long term capital gain was taxable at 20%?"

. In our opinion, the issue is covered by the

judgment of the Coordinate Bench of this court in C.O.I. Vs. Marsons Beneficiary Trust, 188 ITR 224 which view has been; reiterated by another Coordinate Bench of this court in the case of Directorate of Income Tax (Exemption) Vs. Shardaben Bhagubhai Mafatlal Public Charitable Trust, 247 ITR 1. Considering the above, Appeal dismissed.

(J.P.DEVADHAR, J.) **(F.I.REBELLO, J.)**